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June 22, 2005

HAND DELIVER

Julie Howley Westwater, Esq., Hearing Officer
Department of Telecommunications and Energy
One South Station
Boston, Massachusetts 02110

Re: Boston Gas Company d/b/a KeySpan Energy
Delivery New England - D.T.E. 05-35

Dear Ms. Westwater:

Enclosed please find The Berkshire Gas Company's ("Company") Petition for Limited Participant Status in the above-captioned proceeding. The Company notes that it has consulted with Boston Gas Company d/b/a KeySpan Energy Delivery New England ("KeySpan") and is able to represent that KeySpan has no objections to the Company's participation in this proceeding.

Very truly yours,

BROWN RUDNICK BERLACK ISRAELS LLP

By: 
James M. Avery

JMA/cdw
Enclosure

cc: Mary L. Cottrell, Secretary (w/enc via hand delivery)
Thomas P. O'Neill, Esq. (w/enc)
Karen L. Zink, President, COO and Treasurer (w/enc)

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COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Boston Gas Company d/b/a KeySpan
Energy Delivery New England

D.T.E. 05-35

**PETITION FOR LIMITED PARTICIPANT STATUS
OF THE BERKSHIRE GAS COMPANY**

Pursuant to G.L. c. 30A, §11 and 220 CMR Section 1.03, The Berkshire Gas Company ("Berkshire" or the "Company") hereby petitions the Department of Telecommunications and Energy (the "Department") for leave to participate in the above-referenced proceeding as a limited participant. In support of this motion, Berkshire states the following:

1. Berkshire is a gas company, as defined in G.L. c. 164, §1, and is regulated by the Department pursuant to G.L. c. 164.
2. Berkshire maintains its principal offices at 115 Cheshire Road, Pittsfield, Massachusetts 01201.
3. On April 29, 2005 Boston Gas Company d/b/a KeySpan Energy Delivery New England ("KeySpan") filed a request with the Department for approval of a firm transportation agreement with the Tennessee Gas Pipeline Company ("Tennessee").
4. The Department's investigation into the KeySpan agreement with Tennessee has been opened in docket D.T.E. 05-35.
5. The Department's investigation in this proceeding will address issues dealing with this agreement which is of common concern to Berkshire as it has entered into a similar agreement with Tennessee that will similarly be filed with the Department for approval.
6. The Department may allow any person that "may be substantially and specifically affected by the proceeding to intervene as a party in the whole or any portion of the proceeding, and allow any other interested person to participate by presentation of argument orally or in writing, or for any other limited purpose" as the Department may order. G.L. c. 30A, §10; see also 220 CMR §1.03(1).

7. Berkshire is likely to be substantially and specifically affected by the Department's finding with respect to these issues of common application as well as the determinations made with respect to the KeySpan agreement with Tennessee.

8. Berkshire expects that its participation will be focused and limited to issues of more general application.

9. Berkshire's interests are unique and cannot be adequately represented by any other party.

10. Counsel for KeySpan has been contacted and has indicated that KeySpan does not object to Berkshire being granted intervener status in this proceeding.

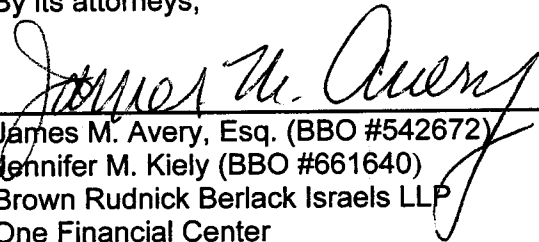
11. Accordingly, Berkshire seeks to participate in this proceeding as a limited participant with the right to receive all pleadings, discovery requests and responses and to file briefs and otherwise participate in this proceeding in a manner consistent with the ground rules and procedures established by the hearing officer.

WHEREFORE, Berkshire respectfully requests that the Department grant this petition for leave to participate in this proceeding as a limited participant and take such other necessary actions as may be necessary and appropriate.

Respectfully submitted,

THE BERKSHIRE GAS COMPANY

By its attorneys,



James M. Avery, Esq. (BBO #542672)

Jennifer M. Kiely (BBO #661640)

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Dated: June 22, 2005

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